

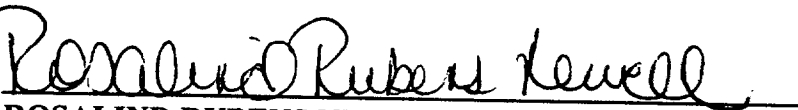
Entered - 05/17/01 - dp
CL01L0311 - DIANNE C. MITCHELL

CLAIM OF: **LINDA D. CARTER**
through her attorney,
Robert A. Plumb, Jr.
P. O. Box 1547
Valdosta, Georgia 31603

01-R-1037

For damages alleged to have been sustained as a result of personal injuries while boarding a flight at the Atlanta Airport on July 15, 2000.

THIS ADVERSED REPORT IS APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0311

Date: June 25, 2001

Claimant /Victim LINDA D. CARTER
BY: (Atty) Robert A. Plumb, Jr.
Address: P. O. Box 1547, Valdosta, Georgia 31603
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated
Date of Notice: 05/11/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 07/15/00 Place: Atlanta Airport
Department Aviation Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges she was injured while boarding a flight at the Atlanta Airport. The claim has been forwarded to the airports' insurance carrier, AIG Aviation, for handling. Furthermore, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A §36-33-5, the six month statute of limitations expired prior to receipt of the claim.


INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
Improper Notice More than Six Months X Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Dianne C. Mitchell Concur/date 06-26-01
Committee Action: Council Action

LANGDALE, VALLOTTON, LINAHAN & WETHERINGTON, LLP

ATTORNEYS AT LAW
A LIMITED LIABILITY PARTNERSHIP
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M. Deane
05/01/01
Deane

WILLIAM P. LANGDALE, JR.
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PAUL J. ALVARADO
ROBERT A. PLUMB, JR.
OF COUNSEL
E. CAMERON HICKMAN
JOHN P. SINNOTT*
*(N.Y., N.J. AND OH. ONLY)

May 2, 2001

ENTERED - 5-17-01 - SB
01L0311 - DIANNE MITCHELL

IN REPLY PLEASE
REFER TO FILE

001050/L

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

City of Atlanta
Municipal Clerk, Law Department
55 Trinity Avenue
Atlanta, Georgia 30335-0332

Re: My Client: Linda D. Carter
Date of Incident: July 15, 2000
Location: Hartsfield International Airport
Gate C-27

Dear Municipal Clerk:

Please be advised by receipt of this correspondence that our firm represents Linda D. Carter as a result of injuries sustained while boarding the above-numbered flight.

This is a formal notice of our representation in this matter. I respectfully request that the City of Atlanta maintain the original file material with respect to this incident. Specifically, I request that you maintain any statement obtained from my client, eyewitnesses, other witnesses and employees of ASA/Delta Connection Airlines. Furthermore, I would ask that you maintain in your files any incident and/or accident reports generated as a result of the incident involving my client. Should there be any photographs or videotapes of the incident, the incident location and/or my client I would respectfully request that you maintain these items in your possession also. Essentially, this letter is written as a request for your to maintain all information with regard to my client's fall. Any loss or destruction of the above-requested documents and things will be considered by us to constitute intentional destruction of evidence and spoliation of evidence. I would ask that you please confirm in writing to me that these documents and things are being preserved.

Additionally, I would suggest that you forward this correspondence to your insurance carrier, directing them to contact us immediately. You should be mindful that if you fail to notify your insurance carrier about this correspondence, it may cause you to lose any protection you may have under your insurance policy. Consequently, you should notify your insurance company immediately about this correspondence.

Very truly yours,

LANGDALE, VALLOTTON, LINAHAN
& WETHERINGTON

A handwritten signature in black ink, appearing to read "Robert A. Plumb, Jr.", with a stylized, cursive script.

Robert A. Plumb, Jr.

RAP/hh

cc: Linda D. Carter

01- R-1037